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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91198127
Party	Defendant 11 Good Energy, Inc.
Correspondence Address	DAVID G. BURLESON ZOLLINGER & BURLESON LTD. PO BOX 2368 NORTH CANTON, OH 44720-0368  docket@patentlawyerz.com
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Date	02/22/2011
Attachments	EG002d-Answer.pdf ( 4 pages )(153873 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

COFRA HOLDING, AG

Opposer,

v.

11 GOOD ENERGY, INC.

Applicant.

Opposition: 91198127

Appl. no.: 77/916,177

Mark: 11 GOOD ENERGY &amp; Design

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**

11 Good Energy, Inc. (hereinafter "Applicant"), a corporation formed and existing under the laws of the State of Delaware and having a principal place of business at 4450 Belden Village Street, Suite 800, Canton, Ohio, by and through its undersigned counsel hereby responds to the Notice of Opposition filed January 10, 2011 (hereinafter "Notice"), reserving the right to correct and/or supplement this submission as needed. The Board set a time to answer of February 19, 2011; however, due to the USPTO being closed on week-ends and federal holidays, this submission is believed to be timely.

The numbered paragraphs below correspond to those used in the Notice.

The allegation of damage in the (unnumbered) preface is denied.

1. Applicant admits that USPTO records show that Opposer submitted a Request for Extension of Time to Oppose and that the Board extended the time to oppose until January 9, 2011. Applicant is without sufficient information to form a belief as to the truth of any other allegation in Paragraph 1 and, therefore, denies any such other allegation.
2. Applicant admits only that it seeks to obtain a federal registration for the subject mark in international class 040 for fuel refining services (hereinafter "Applicant's Mark"), that USPTO records show that application no. 77/916,177 was filed on January 20, 2010, that this application was filed under § 1(a) of the Lanham Act, and that this

application was published for opposition on July 13, 2010. Applicant is without sufficient knowledge or information to form a belief as to the truth of any other allegation in Paragraph 2 and, therefore, denies any such other allegation.

3. Applicant admits only that USPTO records show that each of the listed registrations issued from applications that were filed on the respective dates provided in Paragraph 3. Otherwise, Applicant is without sufficient knowledge or information to form a belief as to the truth of any other allegation in this paragraph and, therefore, denies any such other allegation.
4. Applicant denies the allegation in Paragraph 4.
5. Applicant denies the allegation in Paragraph 5.
6. Applicant is without sufficient knowledge or information to form a belief as to the truth of all allegations in Paragraph 6 and, therefore, denies said allegations.
7. Applicant is without sufficient knowledge or information to form a belief as to the truth of all allegations in Paragraph 7 and, therefore, denies said allegations.
8. Applicant denies the allegations set forth in Paragraph 8.
9. Applicant is without sufficient knowledge or information to form a belief as to the truth of all allegations in Paragraph 9 and, therefore, denies said allegations.
10. Applicant is without sufficient knowledge or information to form a belief as to the truth of all allegations in Paragraph 10 and, therefore, denies said allegations.
11. No allegations are made in Paragraph 11 and, therefore, no admission or denial is required.

#### **AFFIRMATIVE DEFENSE**

Opposer will not be damaged by registration of the mark 11 GOOD ENERGY & Design for the use sought in the subject application and, therefore, lacks standing to oppose the registration thereof.

WHEREFORE, Applicant request that the Notice be dismissed with prejudice, on the merits, and that its application to register the subject mark be allowed to progress.

Respectfully submitted,

**ZOLLINGER & BURLESON LTD.**

A handwritten signature in black ink that reads "David G. Burleson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

by David G. Burleson

Attorneys for Applicant, 11 Good Energy, Inc.

Submitted: February 22, 2011

**ZOLLINGER & BURLESON LTD.**

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document, entitled "Applicant's Answer to Notice of Opposition," is being served on Opposer via first class mail on February 22, 2011, addressed to Opposer's counsel as follows:

Mr. Howard J. Shire  
Kenyon & Kenyon LLP  
One Broadway  
New York, New York 10004

A handwritten signature in black ink, reading "David G. Burleson", with a horizontal line extending to the right.

David G. Burleson